

## REMARKS

Claims 1-24 are pending in the case. In the Office Action dated March 1, 2004, the Examiner took the following action: (1) objected to claim 11 due to an informality; (2) rejected claims 6, 12, and 21 under 35 U.S.C. § 112 as being indefinite; and (3) rejected claims 1-24 under 35 USC § 102(b) as being anticipated by Tietel (U.S. 5,999,147). Applicant respectfully requests reconsideration of the application.

The present invention is directed to visual display systems and methods for producing a display image perceived as a far-focused virtual image by an operator. Certain embodiments of the present invention will now be discussed in comparison to the applied references. Of course, the following discussion of these disclosed embodiments, and the differences between the disclosed embodiments and the subject matter described in the applied references, do not define the scope or interpretation of any of the claims. Instead, such discussed differences merely help the Examiner appreciate important claim distinctions discussed thereafter.

In one embodiment, a visual display system includes a video image generation system including an image generator for generating a video signal, and a video display, operatively connected to the image generator, for displaying a video image based on the generated video signal. The system further includes a lens having a focal length *positioned between the operator and the video display at a distance that is less than the focal length of the lens*, wherein the operator perceives through the lens the displayed image as a far-focused virtual image. (see Application page 5, line 12).

### Tietel (U.S. 5,999,147)

Tietel teaches a head-mounted virtual image display device. According to Tietel, the device includes an image generator, a screen (or video display), and a lens positioned between a user and the video display. Tietel further specifies, however, that the lens is positioned at a distance from the screen that is equal to or greater than the focal length of the lens. (5:40-48). Specifically, Tietel teaches that the lens is placed "one focal length from the screen", and that "by moving the screen further from the lens, the image conjugate is reduced, having the effect of moving the virtual image closer to the viewer." (5:46-48).

I Claim Rejections – 35 USC §102

The Office Action rejected claims 1-24 under 35 USC § 102(b) as being anticipated by Tietel (U.S. 5,999,147).

Claims 1-10

Turning now to the specific language of the claims, claim 1 recites a visual display system for producing a display image perceived as a far-focused virtual image by an operator, the display system comprising a video image generation system including an image generator for generating a video signal; a video display, operatively connected to the image generator, for displaying a video image based on the generated video signal; and a lens having a focal length positioned between the operator and the video display *at a distance that is less than the focal length of the lens*, wherein the operator perceives through the lens the displayed image as a far-focused virtual image. (emphasis added).

As described above, Tietel fails to disclose, teach, or fairly suggest the apparatus recited in claim 1. Specifically, Tietel fails to teach or fairly suggest positioning a lens between the operator and the video display *at a distance that is less than the focal length of the lens*. On the contrary, Tietel specifically teaches that the lens should be positioned at distances greater than or equal to the focal length of the lens. Thus, the apparatus and methods disclosed in the subject application produce a display image perceived as a far-focused virtual image by an operator in a completely different, patentably distinct manner in comparison with the prior art. Therefore, claim 1 is not anticipated by Tietel. Claims 2-10 depend from claim 1 and are patentable over Tietel for the same reasons as claim 1 and also due to additional limitations contained in those claims.

Claims 11-20

Similarly, claim 11 recites a method for producing a display image perceived as a far-focused virtual image by an operator, the method comprising generating a video signal; and displaying a video image on a display device based on the generated video signal; and

positioning a lens having a focal length positioned between the operator and the video display *at a distance that is less than the focal length of the lens*, wherein the operator perceives through the lens the displayed image as a far-focused virtual image.(emphasis added).

As described above, Tietel fails to disclose, teach, or fairly suggest the method recited in claim 11. Specifically, Tietel fails to teach or fairly suggest positioning a lens between the operator and the video display *at a distance that is less than the focal length of the lens*. On the contrary, Tietel specifically teaches that the lens should be positioned at distances greater than or equal to the focal length of the lens. Thus, as noted above, Tietel does not anticipate the subject matter recited in claim 11. Claims 12-20 depend from claim 11 and are patentable over Tietel for the same reasons as claim 11 and also due to additional limitations contained in those claims.

#### Claims 21-24

Claim 21 recites a visual display system for producing a display image perceived as a far-focused virtual image by an operator, the display system comprising a video image generation system including an image generator for generating a video signal; a video display, operatively connected to the image generator, for displaying a video image based on the generated video signal; and a lens having a focal length positioned between the operator and the video display *at a distance that is less than the focal length of the lens*, wherein the lens is an achromatic lens that includes a planar surface, wherein the operator perceives through the lens the displayed image as a far-focused virtual image, and wherein the lens has an associated focal length designed such that the displayed image viewed through the lenses appears at a predetermined distance. (emphasis added).

Again, as described above, Tietel fails to disclose, teach, or fairly suggest the apparatus recited in claim 21. Specifically, Tietel fails to teach or fairly suggest positioning a lens between the operator and the video display *at a distance that is less than the focal length of the lens*. On the contrary, Tietel specifically teaches that the lens should be positioned at distances greater than or equal to the focal length of the lens. Thus, the apparatus and methods disclosed in the subject application produce a display image perceived as a far-focused virtual image by an operator in a completely different, patentably distinct manner in comparison with the prior art. Therefore, claim 21 is not anticipated by Tietel. Claims 21-24 depend from claim 21 and are

patentable over Tietel for the same reasons as claim 21 and also due to additional limitations contained in those claims.

II. Claim Objections and Rejections under 35 USC §112


The Office Action objected to claim 11 due to an informality, specifically, the recitation of "a method for producing a display image operator" in the preamble. The word "operator" has been deleted, thereby removing this informality.

The Office Action rejected Claims 6, 12, and 21 under 35 USC §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claims 6, 12, and 21 to better point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the term "lenses" has been replaced with "lens". Applicant therefore respectfully requests reconsideration and withdrawal of these rejections and objections.

**CONCLUSION**

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejections and objections to Claims 1-24.


Respectfully submitted,  
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**MAIL CERTIFICATE**

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: **MAIL STOP AMENDMENT**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

June 1, 2004  
Date of Deposit

  
Sandra K. Duncan